

REMARKS

Claims 5-8 and 17-20 are amended and new claims 21 and 22 are added herein. Support for the Amendment is found, for example, at page 9, lines 18-19, in the paragraph bridging pages 17-18 of the present specification and Example 1 on page 56 of the specification. No new matter is presented. Accordingly, upon entry of the Amendment, claims 1-22 will be all of the claims pending before the Examiner for examination.

I. Response to Claim Objections

Claims 5-8 are objected to because of the recitation of the term "fine".

Claims 5-8 are amended herein to recite that the fine particles are gas phase process silica particles having an average primary particle diameter of 30 nm or less, thereby obviating the objection. Accordingly, Applicants respectfully request withdrawal of the objection.

II. Response to Obviousness-Type Double Patenting Rejections

Paragraph 3

In paragraph 3, claims 1-8 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 1 of U.S. Pub. No. 2005/0064114 A1.

Paragraph 4

Claims 1-8 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 1 of U.S. Pub. No. 2004/0180153 A1.

Applicants' Response

Applicants note for the record that the references for both of the obviousness-type double patenting rejections are published applications, which have not yet issued as patents and therefore the rejections should have been made as "provisional" rejections.

Nevertheless, Applicants respectfully traverse the obviousness-type double patenting rejections and submit that neither claims 1-8 of U.S. Pat. Pub. No. '114 nor claims 1-8 of U.S. Pat. Pub. No. '153 teach or suggest the feature of "at least a part of the periphery of the undercoat layer is coated with the colorant receiving layer" as recited in independent claim 1 of the present application. Therefore the claimed invention is not obvious over the claims of the cited co-pending applications.

Accordingly, Applicants respectfully request withdrawal of the provisional obviousness-type double patenting rejections.

III. Allowable Subject Matter

Claims 9-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants respectfully submit that independent claim 1 is distinguished over the cited pending applications for the reasons set forth above with respect to the provisional obviousness-type double patenting rejections. Therefore claims 9-20 which depend from claim 1 are distinguished for at least the same reason.

IV. New Claims

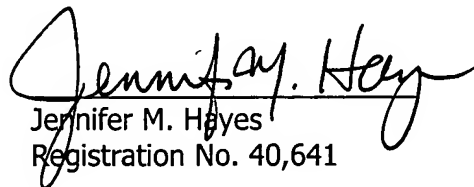
New claims 21 and 22 are directed to a method for producing an information medium, which is not taught or suggested by the art of record.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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